IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE TWENTY FIFTH DAY OF JUNE
TWO THOUSAND AND FOUR

PRESENT
THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION NO : 10565 of 2004

Between:
Somarouthu Vamsi Krishna, S/o. Pandu Ranga Rao, Hindu, R/o. Plot No. 583,
Vivekanandanagar Colony, Kukatpally, Hyderabad - 500 072.
..... PETITIONER

AND

1 The Secretary, Ministry of Home and Affairs,
Government of India, New Delhi.
2 The Regional pass Port Officer, Hyderabad,
Near Prasanth Theatre, Secunderabad.
.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate writ, order or direction particularly one in the nature of Writ of Mandamus or any other appropriate writ declaring the inaction of the respondents in not receiving the petitioner's application for issuance of fresh passport with correct date of birth i.e.,
18-8-1985 instead of 18-8-1986 as illegal, arbitrary and violative of Article 21 of Constitution of India and consequently direct the respondent to receive the petitioner's application for issuing fresh passport with corrected date of birth as 18-8-1985 instead of 18-8-1986.

For the Petitioner: MR. A. SUDERSHAN REDDY, Advocate

For the Respondent No.1 & 2: MR.A.RAJASEKHAR REDDY,
SC for Central Government

The Court at the admission stage made the following :

ORDER:

Heard the learned counsel for the petitioner and the learned Standing Counsel for the Central Government for the respondent-Passport Authority.

It is the case of the petitioner that his actual date of birth is 18-8-1985, but in the Passport issued to him by the second respondent, his date of birth is wrongly mentioned as 18-8-1986, and that though he represented to the second respondent, to alter his date of birth in the Passport and issue fresh passport, the second respondent is refusing to entertain the application on the ground that they have no power to make correction of date of birth in the Passport. The petitioner, therefore, filed the present writ petition praying to direct the respondents to entertain his application for correction of date of birth and issue fresh Passport.

It is required to notice that there is no provision under the Passports Act, 1967, which empowers the Regional Passport Officer to correct entries in the Passport. However, pursuant to the judgment of the High Court of Judicature at Bombay, in W.P. No. 1072 of 2000, the Government of India issued instructions/clarifications in Circular dated 18-4-2001, which are to the following effect:

(a) Where an applicant is seeking rectification/correction of a mistake in the entry on date of birth/place of birth in the passport, PIA (Passport Issuing Authority) may after verifying/satisfying himself, effect the correction treating the same as a technical correction. There is no need for a declaratory order in such cases.

(b) Where a competent authority issuing a birth certificate or an educational board registering a date of birth along with place of birth as valid were to issue any correction or amendment, PIA may effect the necessary amendment in the passport without insisting on a Court Order. As per the provisions of Section 21 of the General Clauses Act, 1997, a competent authority issuing a certificate could also make necessary amendments to the same.

(c) Where the initial entry has been made on the basis of a supportive document issued by one competent authority i.e., school/educational authority and the applicant subsequently requests for a change on the basis of a certificate issued by another competent authority i.e., municipal authorities resulting in conflicting sources of valid proof, the PIA should direct the applicant to obtain a civil order from a competent court of jurisdiction, certifying the valid date of birth/place of birth.

As of today, if any request for correction of date of birth in the Passport is made, the Passport Issuing Authority is required to follow the aforementioned instructions. In that view of the matter, I deem it appropriate to dispose of the writ petition with the following directions:

The second respondent is directed to receive the application of the petitioner for correction of date of birth in the Passport/issuance of fresh Passport, and process the same after verifying the genuineness or otherwise thereof basing on the documents the petitioner may file in support of his case for change of date of birth, in the light of the aforementioned guidelines, and pass appropriate orders.

With the above directions, the writ petition is disposed of. No costs.

N.V. RAMANA, J

Date: 25-06-2004

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To

1 The Secretary, Ministry of Home Affairs, Government of India,
New Delhi.
2 The Regional pass Port Officer, HYderabad Near Prasanth Theatre,
Secunderabad.
3 Two CD copies.